



COM/DH7/mef 3/15/2021

**FILED**  
03/15/21  
11:14 AM

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to  
Consider New Approaches to  
Disconnections and Reconnections  
to Improve Energy Access and  
Contain Costs.

Rulemaking 18-07-005

**ASSIGNED COMMISSIONER'S AMENDED  
SCOPING MEMO AND RULING FOR PHASE 1A**

This amended Scoping Memo and Ruling (Scoping Memo) sets forth the category, issues to be addressed, and schedule of the proceeding pursuant to Public Utilities (Pub. Util.) Code § 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure.<sup>1</sup>

**1. Procedural Background**

On July 12, 2018, the Commission approved this Order Instituting Rulemaking (OIR) pursuant to Senate Bill (SB) 598 to address disconnection rates across California's electric and gas investor-owned utilities. The primary goal of this proceeding is to adopt rules and policies that will ultimately reduce disconnections and improve reconnection processes and outcomes for disconnected customers. This proceeding is being conducted in multiple phases.

Phase I of this proceeding established near-term or immediate improvements such as eliminating deposits. A prehearing conference (PHC) for Phase I was held on August 15, 2018. A Scoping Memo was issued on September 13, 2018 and on December 13, 2018, the Commission issued Decision

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<sup>1</sup> All subsequent references are to the Pub. Util. Code unless otherwise specified.

(D.) 18-12-013 (Interim Decision), which established among other things, immediate interim rules to reduce residential disconnections for California jurisdictional energy utilities. On June 11, 2020, the Commission issued D.20-06-003 or the final Phase I Decision.

As noted in D.18-12-013 and D.20-06-003, the smaller utilities were exempted from the Interim Decision and Phase I Decision. The smaller utilities were notified that the Commission would conduct a separate phase to be known as Phase 1A to evaluate what rules should apply to smaller utilities.<sup>2</sup> On March 8, 2019, the PHC was held for Phase 1A and a Scoping Memo for Phase 1A was issued on April 5, 2019.

Among other things, the Phase I Decision created an additional ratesetting phase for this proceeding to address the establishment of the Percentage of Income Payment Plan (PIPP) phase. The PIPP phase is currently underway. A PHC was conducted for the PIPP phase on September 17, 2020 and a Scoping Memo was issued on October 30, 2020.<sup>3</sup>

## **2. Issues**

The issues for Phase 1A consideration are:

1. Should the rules, consumer protections, and Arrearage Management Payment (AMP) Plan set forth in D.20-06-003 be applicable to the smaller investor-owned utilities (IOUs)?

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<sup>2</sup> The smaller utilities are Southwest Gas Company, Liberty Utilities (CalPeco Utilities LLC), Bear Valley Electric Service, PacifiCorp, Alpine Natural Gas Operating Company and West Coast Gas Company. At the PIPP Phase PHC the smaller utilities requested that the issues concerning the applicability of the PIPP Phase be addressed separately from the larger utilities. No party objected to this at the PHC.

<sup>3</sup> When the PIPP phase Scoping Memo was issued it ruled that the Scoping Memo for Phase 1A would be amended later to include adding whether the Commission should make the PIPP program applicable to the smaller utilities. (*See* PIPP phase Scoping Memo footnote 3 at 2.)

2. If it is determined that the rules, consumer protections, and Arrearage Management Payment (AMP) Plan set forth in D.20-06-003 is applicable, should the rules, consumer protections and the AMP plan be modified to account for any unique circumstances that the smaller IOUs may encounter in their service territories?
3. Should the Commission establish a separate or different Percentage of Income Payment Plan (PIPP) for the smaller IOUs?
4. Are there any safety issues which the Commission should consider in Phase 1-A?

### **3. Need for Evidentiary Hearing**

In the Rulemaking, the Commission determined that hearings are not required. This Amended Scoping Memo confirms that determination.

### **4. Oral Argument**

Unless comment is waived pursuant to Rule 14.6(c)(2) for granting the uncontested relief requested, motion for oral argument shall be served and filed by no later than the time for filing comment on the proposed decision.

### **5. Schedule**

The following schedule is adopted here and may be modified by the Administrative Law Judge (ALJ) as required to promote the efficient and fair resolution of the Rulemaking:

<b>Event</b>	<b>Date</b>
ALJ Ruling Seeking Comments on whether the rules, consumer protections, and AMP plan should apply to the smaller IOUs.	To be determined
ALJ Ruling Seeking Comments on whether the PIPP plan should apply to the smaller IOUs.	To be determined
Proposed Decision	To be determined
Opening Comments on the Proposed Decision, filed and served.	Per Commission Rules
Reply Comments on the Proposed Decision, filed and served.	Per Commission Rules
Decision	Within 18 Months of this Scoping Memo and Ruling

This proceeding will conform to the statutory case management deadline for ratesetting matters set forth in Section 1701.5. It is the Commission's intention to resolve all relevant issues in this proceeding within 18 months of the date of this Scoping Memo.

In addition, there may be public workshops in this proceeding. Notice of such workshops will be posted on the Commission's Daily Calendar to inform the public that a decisionmaker or an advisor may be present at those meetings or workshops. Parties should check the Daily Calendar regularly for such notices.

## **6. Category of Proceeding and *Ex Parte* Restrictions**

This ruling confirms the Commission's preliminary determination that this phase of the proceeding is a ratesetting. Accordingly, *ex parte* communications are prohibited pursuant to Article 8 of the Commission's Rules of Practice and Procedure.

## **7. Public Outreach**

Pursuant to Section 1711(a), I hereby report that the Commission sought the participation of those likely to be affected by this matter by noticing it in the Commission's monthly newsletter that is served on communities and business that subscribe to it and posted on the Commission's website.

## **8. Intervenor Compensation**

Pursuant to Section 1804(a)(1), a customer who intends to seek an award of compensation and who has not already done so, must file and serve a notice of intent to claim compensation within 30 days after the issuance of this amended Scoping Memo.

## **9. Response to Public Comments**

Parties may, but are not required to, respond to written comments received from the public. Parties may do so by posting such response using the

“Add Public Comment” button on the “Public Comment” tab of the online docket card for the proceeding.

#### **10. Public Advisor**

Any person interested in participating in this proceeding who is unfamiliar with the Commission’s procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao/> or contact the Commission’s Public Advisor at 866-849-8390 or 866-836-7825 (TTY), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

#### **11. Filing, Service, and Service List**

The official service list has been created and is on the Commission’s website. Parties should confirm that their information on the service list is correct and serve notice of any errors on the Commission’s Process office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.

When serving any document, each party must ensure that it is using the current official service list on the Commission’s website.

This proceeding will follow the electronic service protocol set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using ONLY electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur to the ALJ.

When serving documents on Commissioners or their personal advisors, whether they are on the official service list, parties must only provide electronic service. Parties must not send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at

[process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov) to request addition to the “Information Only” category of the official service list pursuant to Rule 1.9(f).

## **12. Assignment of Proceeding**

Darcie Houck is the assigned Commissioner and Stephanie Wang is the assigned ALJ for the proceeding.

**IT IS RULED** that:

1. The scope of this proceeding is described above and is adopted.
2. The schedule of this proceeding is set forth above and is adopted.
3. Evidentiary hearing is not needed.
4. The category of the proceeding is ratesetting.

This order is effective today.

Dated March 15, 2021, at San Francisco, California.

/s/ DARCIE HOUCK

Darcie Houck  
Assigned Commissioner